

REMARKS

The first paragraph in which the claim for priority has been made has been amended to show the new status of a previously pending application as now abandoned. Claims 9, 13, and 15-21 have been amended without prejudice. Claim 14 has been cancelled without prejudice.

Applicants thank the Examiner for the statement that the subject matter of the present invention is free of any art.

Priority

In accordance with the Examiner's request in the Office Action dated September 28, 2005 ("Action"), page 2, first paragraph, the claim for priority has been updated by inserting the patent abandoned information for application no. 10/017,449.

Rejection Under 35 USC §112, 2nd Paragraph

The Examiner has rejected claims 9-21 under 35 USC §112, 2nd Paragraph as allegedly vague and indefinite.

Specifically, the Examiner has rejected claim 9 because, allegedly, the "intended metes and bounds of the HPV-33 sequence" are not defined. Further, the Examiner states that claim 9 is allegedly incomplete because it allegedly lacks "the intended nucleotide sequence from the human papilloma virus". Action, page 2.

Without acquiescing to the rejection, claim 9 has been amended, in part, to recite "at least one nucleotide sequence from human papillomavirus-33, wherein the human papillomavirus-33 is defined by the sequence as shown in Figure 1a and Figure 1b." Applicants believe that the amendment adequately defines the metes and bounds of the HPV-33 sequence, and thus overcome this rejection.

Claim 13 has also been rejected because, allegedly, "the intended papilloma virus 33 is not defined." Without acquiescing to the rejection, claim 13 has been amended, in part, to specifically define the papilloma virus 33 sequence. Thus, the rejection of claim 13 under §112, 2nd Paragraph is moot.

Claim 14 has been rejected. Without acquiescing to the rejection, claim 14 has been cancelled. Thus the rejection is moot.

Claims 15, 17, and 19-21 have been rejected for the recitation of the word "process." Action, page 3. Without acquiescing to the rejection, claims 15-21 have been amended to replace the word "process" with the word "method". Thus, this rejection under §112, 2nd Paragraph is moot.

In consideration of the above remarks and amendments, Applicants respectfully request the withdrawal of all rejections under 35 USC §112, 2nd Paragraph.

Rejection Under 35 USC §112, 1st Paragraph

The Examiner has rejected claims 9-21 under 35 USC §112, 1st Paragraph as allegedly not enabled. Specifically, the Examiner has stated that the specification does not enable one of skill in the art to detect the presence of human papilloma virus in general, or human papilloma virus 33 specifically. Further, the Examiner asserts that the conditions for hybridization of the sequences for detection of HPV are not enabled.

Applicants respectfully assert that the Examiner is mistaken on all accounts. First of all, much of the human papilloma virus 33 sequence that is disclosed is common to other types of human papilloma viruses. A comparison of HPV-33 to HPV-16 has shown that there are many similarities between the two sequences (see Specification, page 4, line 31 to page 5, line 27), as well as features common to many other papilloma viruses (specification page 4, lines 13-30). Furthermore, the principal characteristics of the HPV-33 sequence have been enumerated and summarized in Table 1 of the specification.

With regard to the conditions required for hybridization of such sequences, the Applicants respectfully assert that hybridization methods and the ability to determine the conditions required for specificity in hybridization were well known to those of skill in the art at the time of filing. The mere fact that the Examiner is conversant with several hybridization conditions and the variables that can confer varying degrees of specificity betrays the fact that the Examiner himself could figure out what conditions were required for specific hybridization without undue experimentation.

Applicants respectfully request that the Examiner remove the rejections under 35 USC §112, 1st Paragraph for enablement.

The Examiner has also rejected claims 9-14 under 35 USC §112, 1st Paragraph for allegedly lacking possession of the claimed invention. Without acquiescing to the rejection, Applicants have amended claim 9 to recite "at least one nucleotide sequence from human papillomavirus-33, wherein the human papillomavirus-33 is defined by the sequence as shown in Figure 1a and Figure 1b." Applicants hope that the recitation alleviates the Examiner's concerns as to whether the Applicants are in possession of the present invention.

In consideration of the above remarks and amendments, Applicants respectfully request the withdrawal of all rejections under 35 USC §112, 1st Paragraph.

CONCLUSION

Applicants respectfully assert that the present application is in condition for allowance and request that the Office issue a timely Notice of Allowance.

Under 37 CFR §1.136(a), Applicants respectfully request a 3-month extension of time to respond to the Office Action mailed September 28, 2005. The response date was December 28, 2005; with the granting of this request, the response time is re-set to March 28, 2006. The commissioner is hereby authorized to charge the amount of \$1,020, the fee due under 37 CFR §1.17(a)(3), to Deposit Account No. 50-0812. Please grant any other extensions of time required to enter this amendment and charge any additional fees or credit any overpayments to Deposit Account No. 50-0812.

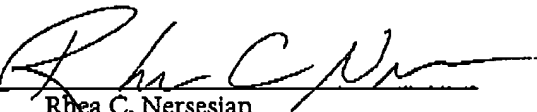
Please direct all future correspondence to: Customer No. 22829.

Respectfully submitted,

Date:

3/28/06

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